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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/598,956	06/22/2000	Jean-Louis Beliveau	27233-0024	5202

20559 7590 01/18/2002

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EXAMINER

THISSELL, JENNIFER I

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 01/18/2002

# 11

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/598,956

Applicant(s)

BELIVEAU, JEAN-LOUIS

Examiner

Jennifer I Thissell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \*   c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 2, 5, 6, and 9-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Beliveau (U.S. 6,230,462).

Beliveau teaches insulating foam panels 14 having top and bottom sides each including a single median row of alternating projections and recesses (18,19) having similar complementary shapes, the row is between two edge surfaces (14a,14b in Figure 1), and the projections and recesses are interconnectable with similar panels. The shape of the projections and recesses is generally rectangular. There are a plurality of connectors 16 hingedly tying together the first and second foam panels, which are movable between an extended position and a collapsed position.

The connector further comprises a pair of anchor members 20, the anchor members have an elongated flange plate 22, an elongated link element 24, a web member 32 extended between first and second foam panels and having ends that are hingedly connected to the projecting end of the anchor

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member. The projecting end of the anchor member has a stabilizing plate 28 parallel to the flange plate extending flush with the inner surface of the panel. There is a plurality of connecting elements 36 on the stabilizing plate, the connecting element having two aligned ridges 40 projecting from the plate and defining a sleeve, and a joining pin is mountable in the sleeve. The side end of the web member defines a plurality of arms having an extremity. The ridges of the connecting element have a hole facing inwardly of the sleeve and there exists a bore in the arm of the web member (Figure 3).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beliveau (U.S. 6,230,462). Beliveau teaches a panel system as stated above, except for projections with rounded corners and recesses with convex lateral sides. It would have been obvious to one having ordinary skill in the art at the time the invention was made to change the shape of the projections and recesses, since a change in shape would be considered an obvious design choice, and since by applicant's own admission in the

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specification on page 5 (lines 10-15), many other shapes could be used and projections with square or other forms would be efficient.

### ***Response to Arguments***

Applicant's arguments filed November 26, 2001 have been fully considered but they are not persuasive.

The Examiner would like to point out that Beliveau's Canadian Patent Application was in fact cited as a proper document under 35 U.S.C. 102(b), as it states that "(b) the invention was patented **or described in a printed publication** in this or a foreign country...". However, upon further review it seems that the Examiner did in fact erroneously look to the filing date (12/23/1998) instead of the publication date (6/23/2000), which would indeed disqualify this reference. Although the Canadian Patent Application could **no** longer be used under 35 U.S.C. 102(b), the Examiner is utilizing the U.S. Patent 6,230,462 to Beliveau under 35 U.S.C. 102(e) which contains the same subject matter, and therefore, the Examiner will still respond to applicant's arguments.

In response to applicant's argument that Beliveau does not disclose a "single median row" between "two coplanar edge surfaces", the Examiner disagrees and points above to the rejection in which the single median row is in fact located (for example in Figure 1) at alternating reference numerals 18 and

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19, and the row is located between the two coplanar edge surfaces at 14a and 14b.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer I Thissell whose telephone number is (703) 306-5750. The examiner can normally be reached Monday through Thursday.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

  
jit

January 15, 2002



Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600